

Message Text

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ACTION EB-11

INFO OCT-01 EA-11 ISO-00 SS-20 L-03 NSC-07 CAB-09 CIAE-00

COME-00 DODE-00 DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00

OMB-01 SSO-00 NSCE-00 USIE-00 INRE-00 PA-04 PRS-01

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 5302

C O N F I D E N T I A L MANILA 8544

E O 11652: GDS

TAGS: EGEN, ETRN, US, RP

SUBJ: CIVAIR: US/RP NEGOTIATIONS

REF: STATE 153804

1. ON AD REFERENDUM BASIS AGREEMENT REACHED ON
FOLLOWING SUBSTANTIVE TEXT OF EXCHANGE OF NOTES WITH
THE EXCEPTION WHICH WILL BE INDICATED.

QUOTE THE EMBASSY OF THE UNITED STATES OF AMERICA
PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT
OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE PHILIPPINES
AND HAS THE HONOR TO REFER TO THE RECENT NEGOTIATIONS
AND DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO
GOVERNMENTS CONCERNING AN AIR TRANSPORT AGREEMENT
BETWEEN OUR TWO GOVERNMENTS.

THE EMBASSY WISHES TO PROPOSE THE FOLLOWING INTERIM
ARRANGEMENTS FOR AIR TRANSPORT SERVICES BETWEEN OUR TWO
GOVERNMENTS.

THE GOVERNMENT OF THE UNITED STATES RECOGNIZES THE
INTEREST OF THE GOVERNMENT OF THE PHILIPPINES
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IN ACHIEVING INCREASES IN CAPACITY WITHIN THE TERM OF

THIS EXCHANGE CONSISTENT WITH THE CAPACITY AND FREQUENCY ENJOYED OR TO BE ENJOYED BY US CARRIERS. REQUESTS TO THIS END WILL BE GIVEN (UNDERLINE) DUE COURSE/SYMPATHIC/FAVORABLE (END UNDERLINE) CONSIDERATION. CONSEQUENTLY WITHOUT PREJUDICE TO THE INTEREST EXPRESSED BY THE GOVERNMENT OF THE PHILIPPINES FOR ALLOWANCE OF ADDITIONS OR SUBSTITUTIONS OF ONE TYPE OF WIDE-BODIED EQUIPMENT FOR ANOTHER TO AVOID SIGNIFICANT DISPARITIES OF CAPACITIES AND FREQUENCIES OPERATED BY THE CARRIERS OF THE TWO COUNTRIES, AND WITHOUT ANY INTENT TO PRECLUDE FURTHER AGREED UPON INCREASES IN CAPACITY OR FREQUENCY, FOR THE PERIOD COMMENCING ON JULY 17, 1974, TO MARCH 31, 1975, U.S. CARRIERS, PAN AMERICAN WORLD AIRWAYS AND NORTHWEST ORIENT AIRLINES, ARE AUTHORIZED EACH THREE BOEING 747 WEEKLY ROUNDTrip FLIGHTS BETWEEN MANILA AND THE UNITED STATES AND ITS TERRITORIES. PHILIPPINE AIRLINES IS AUTHORIZED THREE DC 10 WEEKLY ROUNDTrip FLIGHTS BETWEEN MANILA AND EXISTING POINTS IN THE UNITED STATES, AND FOUR DC 8 WEEKLY ROUNDTrip FLIGHTS TO THESE SAME DESIGNATED POINTS.

IN ADDITION, PAN AMERICAN WORLD AIRWAYS WILL BE AUTHORIZED IMMEDIATELY TO OPERATE ANY OR ALL AUTHORIZED FREQUENCIES IN A BLIND SECTOR BETWEEN MANILA/HONG KONG AND HONG KONG/MANILA, WITH THE UNDERSTANDING THAT ALL PAN AMERICAN FLIGHTS OPERATED ON THIS SECTOR, SAVE FOR OPERATIONS RELATED TO CONTINUED SERVICE OF SAIGON, SHALL EITHER ORIGINATE OR TERMINATE AT HONG KONG, THAT THE SECTOR WILL BE OPERATED WITHOUT TOPOVER PRIVILEGES, THAT ONLY THROUGH TRAFFIC TO OR FROM HONG KONG WILL BE CARRIED AND THAT ANY CHANGE IN THE OPERATION OF THIS SECTOR WILL BE ACCOMPLISHED ONLY BY CONSULTATION AND/OR NEGOTIATION BETWEEN OUR TWO GOVERNMENTS.

EFFECTIVE APRIL 1, 1975, THE ABOVE-NAMED U.S. CARRIERS WILL BE AUTHORIZED FOUR EACH BOEING 747 WEEKLY ROUNDTrip FLIGHTS OVER ROUTES AS DESIGNATED ABOVE, WITH THE SAME BLIND SECTOR PRIVILEGE FOR PAN AMERICAN WORLD AIRWAYS AS ABOVE SPECIFIED. PHILIPPINE AIRLINES WILL BE AUTHORIZED SEVEN DC 10 WEEKLY ROUNDTrip

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FLIGHTS OVER ROUTES AS AUTHORIZED ABOVE. SUCH DC 10 FLIGHTS WILL REPLACE THE REMAINING FOUR DC 8 AUTHORIZATIONS.

IT IS THE EMBASSY'S UNDERSTANDING THAT THE ABOVE PROVISIONS ARE TO BE CONSIDERED INTERIM IN NATURE PENDING FURTHER NEGOTIATIONS TOWARD A LONGER TERM CAPACITY REGIME. IT IS THE INTENT OF THE PARTIES TO RESUME THESE NEGOTIATIONS WITHIN 90 DAYS FROM THE DATE

OF THIS EXCHANGE OF NOTES. AT THE TIME OF THESE DISCUSSIONS, THE PARTIES ARE EXPECTED TO AGREE ON THE TIME AND PLACE FOR TALKS TOWARD RESOLUTION OF PENDING ROUTE ISSUES.

THIS INTERIM AGREEMENT WILL CONTINUE IN FORCE FOR A PERIOD OF TWO YEARS UNLESS REPLACED BY A MUTUALLY AGREED FOLLOW-ON ARRANGEMENT. IF THIS INTERIM AGREEMENT IS NOT REPLACED BY A MUTUALLY AGREEABLE SUCCESSOR, EITHER PARTY MAY TERMINATE THIS INTERIM ARRANGEMENT BY GIVING THE OTHER PARTY SIX MONTHS' WRITTEN NOTIFICATION AT END OF THE TWO YEAR PERIOD OR AT ANY SUBSEQUENT TIME.

IF THE FOREGOING PROVISIONS ARE ACCEPTABLE TO THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, THE EMBASSY PROPOSES THAT THIS NOTE AND THE REPLY OF THE DEPARTMENT TO THAT EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL ENTER EFFECT IMMEDIATELY UPON RECEIPT OF DEPARTMENT'S NOTE. UNQUOTE

2. FOR UNDERLINED WORDS IN PARA 3 OF TEXT PHILS ARE SEEKING WORD "FAVORABLE" BUT CONCEDED IT DOES NOT MEAN AUTOMATIC APPROVAL. WE ARE SAYING FAVORABLE SMACKS OF AUTOMATIC APPROVAL AND MIGHT BE SO CONSTRUED IN ANY DISPUTE, THEREFORE, WORD UNACCEPTABLE. THIS IS ONLY REMAINING ISSUE, SUBJECT WASHINGTON APPROVAL OF TEXT, PREVENTING SIMPLE EXCHANGE OF NOTES WITH APPROPRIATE COMPLIMENTARY OPENING AND CLOSING.

3. IN ORIGINAL US VERSION OF NOTE LANGUAGE PROVIDED FOR PROTECTING OTHER US INTERESTS. GOP HAS REMAINED UNWILLING ACCEPT EXPLICIT LANGUAGE THIS EFFECT, AND WE HAVE INDICATED IT MAY BE NECESSARY PROVIDE RESERVATION RESPECTING SUCH RIGHTS IN US TEXT. ACTION REQUESTED: APPRECIATE DEPARTMENT COMMENTS
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AS SOON AS POSSIBLE INCLUDING HOPEFULLY SUGGESTIONS ON WAY OUT IMPASSE ON PARA 3 AS WELL AS, OF COURSE, ANY SUGGESTIONS REGARDING PREFERRED WORDING WHERE GENUINE DIFFICULTY EXISTS WITH PROPOSED TEXT.
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